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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,313	03/24/2004	Shinichi Kurihara	04329.3293	3804
22852	7590	11/13/2008	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ABRISHAMKAR, KAVEH	
ART UNIT	PAPER NUMBER			
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/807,313	<b>Applicant(s)</b> KURIHARA ET AL.
	<b>Examiner</b> KAVEH ABRISHAMKAR	<b>Art Unit</b> 2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on **24 July 2008**.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) **1,3-9 and 18** is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) **1, 3-9, and 18** is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO/0256/06)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the amendment filed on July 24, 2008. Claims 1-17 were originally pending consideration. Per the received amendment, claims 2, 9-17 are cancelled and claim 18 is added.
2. Claims 1, 3-9, and 18 are pending consideration.

***Response to Arguments***

Applicant's arguments filed on July 24, 2008 have been fully considered but they are not persuasive for the following reasons:

Regarding claim 1, the Applicant argues that the Cited Prior Art (CPA), Kravitz et al. (U.S. Patent 6,738,905) in view of Katznelson (U.S. Patent 5,010,571), does not teach "an encrypted content key control unit which accumulates the content keys" and "using the medium information or the medium information and a terminal device unique key information to encrypt the content key." Regarding the first limitation of "an encrypted content key control unit which accumulates the content keys," Kravitz discloses a content provider which generates a set of keys (accumulates) to send to a business provider (Kravitz: column 5, lines 55-62). Regarding the second limitation of "using the medium information or the medium information and a terminal device unique key information to encrypt the content key," Katznelson was brought in as a secondary reference. Katznelson teaches using a unit key (terminal device unique key) to encrypt

a key (content key) required to access file content) (Katznelson: column 2, lines 37-50). Furthermore, the key has to be received in accordance with the customer terminal ID (medium ID) (Katznelson: column 2, lines 45-50).

Therefore, it is respectfully asserted that the CPA does teach the limitations in claim 1, and the rejection is maintained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kravitz et al. (U.S. Patent 6,738,905) in view of Katznelson (U.S. Patent 5,010,571).

Regarding claim 1, Kravitz discloses:

A content delivery service providing apparatus which provides content delivery service via a communication line to a user-side terminal unit capable of recording content into an information storage medium into which at least a medium unique identifier and medium information on medium key information have been written, or into

a different information storage medium from the information storage medium with the information storage medium being set, the content delivery service providing apparatus comprising:

    a user management control unit which preregisters user information including personal information about a user applying for subscription to the delivery service, service range, and payment method, and manages the distribution of authentication information and the distribution of a delivery content list at the time of providing service on a user basis, the acceptance of a content select request, charging, and settlement (column 9, lines 40-50, *wherein the provider keeps track of an individual user's subscription*);

    an encrypted content control unit which acquires not only content but also a content key creation condition from a copyright owner or copyright manager of the content who provides the delivery service, and creates a content key on the basis of the content key creation condition and encrypted content on the basis of the content key (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*);

    an encrypted content key control unit which accumulates the content keys created at the encrypted content control unit (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*), encrypts the content key corresponding to the requested content, and issues the encrypted content key to the terminal unit of the requesting user (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*); and

a content delivery control unit which accumulates the encrypted contents created at the encrypted content control unit, selects the corresponding content at the user's content request, and delivers the encrypted content to the terminal unit of the requesting user (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content, and sends the encrypted content to the set top box*).

Kravitz does not explicitly disclose registering medium information or a terminal device unique key information presented with the user's content request. Katznelson discloses a distribution system where a customer (user) requests content from a content provider, and in the request supplies the customer terminal ID (medium ID) and the content provider verifies if the user is authorized to receive the data, and if so, sends a content key encrypted with a unit key that is unique to the customer (Katznelson: column 2, lines 7-40). Kravitz and Katznelson are analogous arts because both disclose systems for distributing content to users. It would have been obvious to send the terminal ID along with the content request, as is done in Katznelson, in the system of Kravitz, so that the retrieval of data from the content provider has to be authorized and the amount of information can be more efficiently limited (Katznelson: column 2, lines 7-20).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

The content delivery service providing apparatus according to claim 1, further comprising:

authorization information delivering means for delivering authorization information to startup a content acquiring application to the user-side terminal unit at the time of delivering the content (column 6, lines 39-43, *presence of the CD in the content descriptor table is positive authorization*).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

An encrypted content control unit wherein the encrypted content control unit is used in the content delivery service providing apparatus according to claim 1, and comprises:

encrypted content creating means for encoding the content in specified digital encoding form or converting the content into specified digital encoding form, creating a content key on the basis of the content key creating condition, and encrypting the content using the content key (column 5, lines 55-60, *wherein the content provider encrypts the content and generates content keys*)

encrypted content issuing means for issuing the encrypted content encrypted at the encrypted content creating means to the content delivery control unit (column 5, lines 55-60, *wherein the encrypted content is sent to the user*) and

content key issuing means for issuing the encrypted content key encrypted at the encrypted content creating means to the content key control unit (column 5, line 65 - column 6, line 9, *wherein the content keys are provided to the set top box*).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

An encrypted content key control unit wherein the encrypted content key control unit is used in the content delivery service providing apparatus according to claim 1, and comprises:

a content key accumulating section which accumulates the content keys created at the encrypted content control unit (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*),

an encrypting section which, at the user's content request, reads the content key corresponding to the requested content from the content key accumulating section and, encrypts the content key (column 5, lines 55-60, *wherein the content provider encrypts the content and generates content keys*), and

an encrypted content key issuing section which issues the encrypted content key created at the encrypting section to the requester (column 5, line 65 - column 6, line 9, *wherein the content keys are provided to the set top box*).

Kravitz does not explicitly disclose a medium information storage section which stores the medium information. Katzenbach discloses a distribution system where a customer (user) requests content from a content provider, and in the request supplies the customer terminal ID (medium ID) and the content provider verifies if the user is authorized to receive the data, and if so, sends a content key encrypted with a unit key

that is unique to the customer (Katznelson: column 2, lines 7-40). This medium information is stored before it is sent (Katznelson: column 2, lines 7-40). Kravitz and Katznelson are analogous arts because both disclose systems for distributing content to users. It would have been obvious to sent the terminal ID along with the content request, as is done in Katznelson, in the system of Kravitz, so that the retrieval of data from the content provider has to be authorized and the amount of information can be more efficiently limited (Katznelson: column 1, lines 7-20).

Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Katznelson discloses:

The encrypted content key control unit according to claim 5, wherein the encrypting section acquires at least one of terminal device unique key information, content identification information, information to identify a content delivery control unit, information to identify a medium linking content acquiring unit, information to identify a region, information to identify a user, and content key individual information which are presented together with the medium information by the user and, on the basis of these pieces of information, encrypts the content key (column 5, lines 55-60, *wherein the content provider encrypts the content and generates content keys*).

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

A content delivery control unit wherein the content delivery control unit is used in the content delivery service providing apparatus according to claim 1, and comprises:

- an encrypted content accumulating section which accumulates the encrypted contents created at the encrypted content control unit (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*),
- an encrypting section which, at the user's content request, reads the corresponding encrypted content from the encrypted content accumulating section and, on the basis of the encrypted content key created at the encrypted content key control unit, encrypts the encrypted content (column 5, lines 55-57, *encrypts the content*), and
- a delivering section which delivers the encrypted content created at the encrypting section to the requester (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content, and sends the encrypted content to the set top box*).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

The content delivery service providing apparatus according to claim 1, further comprising:

date-and-time synchronizing means for synchronizing date-and-time information with that in the user-side terminal unit (column 8, lines 55-60, *wherein time is kept track of for authorization*).

Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

The content delivery service providing apparatus according to claim 1, wherein the encrypted content key control unit and the content delivery control unit selectively include an arbitrary content viewing condition and option information in the encrypted content key creation and the encrypted content delivery, respectively (column 9, lines 46-51, *wherein the user can be limited to their subscription package*).

Claim 18 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

The content delivery service providing apparatus according to claim 1, wherein the user management control unit manages charging and settlement (column 9, lines 43-45: *wherein the user pays for the content*).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is (571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaveh Abrishamkar/  
Examiner, Art Unit 2431

/K. A./  
11/08/2008

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